

525 Rec'd PTO/PTO 27 NOV 2000

FORM PTO-1390  
(REV. 10-2000)DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTORNEY DOCKET NUMBER  
MC010PITRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

09/701205

|                               |                           |                       |
|-------------------------------|---------------------------|-----------------------|
| INTERNATIONAL APPLICATION NO. | INTERNATIONAL FILING DATE | PRIORITY DATE CLAIMED |
| PCT/US99/11743                | 05/27/1999                | 05/27/1998            |

## TITLE OF INVENTION

APOPTOSIS MODULATORS THAT INTERACT WITH THE HUNTINGTON'S DISEASE GENE

## APPLICANT(S) FOR DO/EO/US

Michael Kalchman, Michael R. Hayden, Abigail Hackam, Vikramjit Chopra, Paul Goldberg, Donald W. Nicholson, John P. Vaillancourt, Dita M. Rasper

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures [35 U.S.C. 371(f)] at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(l).
4.  A proper Demand for International Preliminary Examination was made and the US was elected by the expiration of the 19th month from the earliest claimed priority date (PCT Article 31).
5.  A copy of the International Application as filed [35 U.S.C. 371(c)(2)].  
 a.  is attached hereto (required only if not communicated by the International Bureau).  
 b.  has been communicated by the International Bureau.  
 c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  An English language translation of the International Application as filed [35 U.S.C. 371(c)(2)].
7.  Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)].  
 a.  are attached hereto (required only if not communicated by the International Bureau).  
 b.  have been communicated by the International Bureau.  
 c.  have not been made; however, the time limit for making such amendments has NOT expired.  
 d.  have not been made and will not be made.
8.  An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].
9.  An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)].
10.  An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].

## Items 11 to 16 below concern other document(s) or information included:

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A FIRST preliminary amendment.  
 A SECOND or SUBSEQUENT preliminary amendment.
14.  A substitute specification.
15.  A change of power of attorney and/or address letter.
16.  Other items or information:

EXPRESS MAIL CERTIFICATE  
 DATE OF DEPOSIT NOVEMBER 27, 2000  
 EXPRESS MAIL NO. EF130607041US  
 I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS  
 BEING DEPOSITED WITH THE UNITED STATES POSTAL  
 SERVICE AS EXPRESS MAIL "POST OFFICE TO  
 ADDRESSEE" BEFORE 5 P.M. ON THE ABOVE DATE IN  
 AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER  
 FOR PATENTS, WASHINGTON, D.C. 20231  
 MAILED BY H.P. Crowley  
 DATE 11-27-00

|  |                               |                       |                    |
|--|-------------------------------|-----------------------|--------------------|
| U.S. APPLICATION NO. (If known, see 37 CFR)  | INTERNATIONAL APPLICATION NO. | ATTY'S DOCKET NUMBER  |                    |
| 09/701205  | PCT/US99/11743                | MC010PI               |                    |
| 17. <input checked="" type="checkbox"/> The following fees are submitted:<br><b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):</b><br>Neither international preliminary examination fee (37 CFR 1.482) nor international search fee [37 CFR 1.445(a)(2)] paid to USPTO and International Search Report not prepared by the EPO or JPO..... \$1,000.00<br>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO..... \$860.00<br>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee [37 CFR 1.445(a)(2)] paid to USPTO..... \$710.00<br>International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4)..... \$690.00<br>International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4)..... \$100.00 |                               | CALCULATIONS          | PTO USE ONLY       |
| <b>ENTER APPROPRIATE BASIC FEE AMOUNT</b> =  |                               | \$100.00              |                    |
| Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date [37 CFR 1.492(e)].  |                               | \$0.00                |                    |
| Claims   | Number Filed                  | Number Extra          | Rate               |
| Total Claims   | 15 - 20 =                     | 0                     | X \$18.00 \$0.00   |
| Independent Claims   | 7 - 3 =                       | 4                     | X \$80.00 \$320.00 |
| Multiple dependent claim(s) (if applicable)  |                               | 0                     | + \$270.00 \$0.00  |
| <b>TOTAL OF ABOVE CALCULATIONS</b> =   |                               | \$420.00              |                    |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.   |                               |                       |                    |
| <b>SUBTOTAL</b> =  |                               | \$420.00              |                    |
| Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date [37 CFR 1.492(f)].   |                               | + \$0.00              |                    |
| <b>TOTAL NATIONAL FEE</b> =  |                               | \$420.00              |                    |
| Fee for recording the enclosed assignment [37 CFR 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.  |                               | + \$0.00              |                    |
| <b>TOTAL FEES ENCLOSED</b> =   |                               | \$420.00              |                    |
|  |                               | Amount to be refunded |                    |
|  |                               | charged               |                    |
| a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.<br>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>13-2755</u> in the amount of <u>\$420.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.<br>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to the Deposit Account No. <u>13-2755</u> . A duplicate copy of this sheet is enclosed.  |                               |                       |                    |
| <b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a) or (b)] must be filed and granted to restore the application to pending status.   |                               |                       |                    |
| <b>SEND ALL CORRESPONDENCE TO:</b><br>MERCK & CO., INC.<br>Patent Department, RY60-30<br>P.O. Box 2000<br>126 East Lincoln Avenue<br>Rahway, New Jersey 07065-0970   |                               |                       |                    |
| <br><b>SIGNATURE</b><br>Joseph A. Coppola<br><b>NAME</b>   |                               |                       |                    |
| <b>DATE:</b> <u>November 27, 2000</u><br><b>PHONE #:</b> <u>(732) 594-6734</u><br><b>38,413</b><br><b>REGISTRATION NUMBER</b>  |                               |                       |                    |